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Attorneys for Defendant,
JEFFREY DESHON APPLEWHITE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

I. STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between the parties through their respective attorneys of record, that the status conference set for August 15, 2013 may be continued by stipulation by the parties to September 10, 2013.

1 Mr. McKesson is unavailable as his mother-n-law has
2 passed away and the funeral services will be held
3 August 15 and 16th.

4

5 **THIS STIPULATION IS AGREED TO BY:**

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7

8 DATED: August 13, 2013

/s/

9 WINSTON K. MCKESSON, ESQ.
10 Attorney for Defendant
11 **JEFFREY APPLEWHITE**

12 DATED: August 13, 2013

/s/

13 SONIA M. OWENS on behalf of
14 CHARLES A. O'REILLY
15 Trial Attorney

16 Based upon the foregoing stipulation of counsel and
17 For cause shown, **IT IS HEREBY ORDERED** that the
18 defendant **JEFFREY DESHON APPLEWHITE's** status conference
19 date is extended from August 15, 2013 to ~~September 10,~~
20 ~~2013~~ August 22, 2013 at 2:00 p.m. The Court is unavailable on September 10, 2013.

21 The Court excludes time under the Speedy Trial Act
22 ^{August 22} from August 15, 2013 to ~~September 10, 2013~~, and finds
23 that the ends of justice served by the continuance
24 outweigh the best interest of the public and the
25 defendant in a speedy trial. See 18 U.S.C.
26 §3161(h)(7)(A). The Court makes this finding and bases
27 this continuance on the following:

1 The case is so complex, due to the nature of the
2 prosecution, that it is unreasonable to expect adequate
3 preparation for pretrial proceedings or the trial
4 itself within the time limits established by this
5 section. See 18 U.S.C. §3161(h)(7)(B)(ii).

6 Failure to grant a continuance would unreasonably
7 deny the defendant continuity of counsel, given
8 counsel's other scheduled case commitments, taking into
9 account the exercise of due diligence. See 18 U.S.C.
10 §3161(h)(7)(B)(iv).

11 Failure to grant a continuance would unreasonably
12 deny the defendant the reasonable time necessary for
13 effective preparation, taking into account the exercise
14 of due diligence. See 18 U.S.C. §3161(h)(7)(B)(iv).

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16 **II. IT IS SO ORDERED. AS MODIFIED.**

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18 DATED: August 14, 2013

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21 _____
22 Honorable Jeffrey S. White
23 US District Judge